



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: May 18, 2011

NAME & NUMBER OF PROJECT: Grace Lane Office Building / SP-2010-0336D

NAME OF APPLICANT OR ORGANIZATION: Conley Engineering
(Carl Conley 328-3506)

LOCATION: 317 Grace Lane at Bee Caves Road (RR2244)

PROJECT FILING DATE: November 19, 2010

WPDR/ENVIRONMENTAL STAFF: Brad Jackson, 974-3410
brad.jackson@ci.austin.tx.us

WPDR/ CASE MANAGER: Benny Ho, 974-3402
benny.ho@ci.austin.tx.us

WATERSHED: Barton Creek (Barton Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request is as follows:
1. To allow cut up to a maximum of 11 feet for driveway construction. (LDC Section 25-8-341).
2. To allow fill up to a maximum of 14 feet for driveway construction. (LDC Section 25-8-342).

STAFF RECOMMENDATION: Recommended with conditions.

REASONS FOR RECOMMENDATION: Findings-of-fact have been met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Brad Jackson, Senior Environmental Reviewer
Watershed Protection and Development Review Department

DATE: May 18, 2011

SUBJECT: Grace Lane Office Building (SP-2010-0336D)
Bee Caves Road (RR 2244) and Grace Lane.

Variance Request: Variance from LDC 25-8-341 and 342 to allow cut not to exceed 11 feet and fill not to exceed 14 feet for construction of a driveway.

The applicant is proposing a 3-story office building positioned over an additional 3-stories of underground parking on approximately 11.36 acres. The variance is needed for the driveway to access the building from Grace Lane. A variance to allow construction on slopes was granted through the final plat (C8-96-0015.1A and C8J-05-0265.0A) for accessing this lot from Grace Lane across slopes over 15%. In addition, this site was granted these exact variances on August 26, 2008 by the Zoning and Platting Commission under SP-2007-0552D. That site plan has expired under site plan duration and is now being repermited as SP-2010-0336D.

Description of Project Area

This 11.36 acre site (gross site area) is situated in Travis County, in the COA 2-mile ETJ. The site is in the Drinking Water Protection Zone and located within the Barton Creek Watershed, which is classified as the Barton Springs Zone. There is a minor classified waterway running along the east side of the site, which has a Critical Water Quality Zone and Water Quality Transition Zone associated with it in the southernmost 500 square feet of the site. The majority of this area is within a 150-foot Critical Environmental Feature setback. The site is bounded by Bee Caves Road on the north side and Grace Lane on the west side. The only existing development on this site is a paved road 20 ft wide and 540 ft long, running north-south along the flatter area in the center of the site. The road totals 0.25 acres (10,800 sq.ft.) of impervious cover. Topographically, the site slopes to the east from a high point on the west side of approximately 890 feet to a low point of about 800 feet on the southeast corner. The proposed office building will have 1.42 acres of impervious cover, which is 18.37% of the net site area of 7.73 acres.

Vegetation

According to the Soil Survey of Travis County, the site contains Brackett soils, rolling (BID) mostly along the western and higher half of the site and Brackett soils and rock outcrop (BoF) along the eastern and lower half of the site. Brackett soils are described as shallow and well drained soils that develop under a prairie of mid to tall grasses and some trees. The geology at this site is characterized by thin clay soils covering weathered limestone. The site vegetation consists of mostly cedar and juniper trees between 6 and 12 feet in height, along with some live oak, post oak and spanish (red) oak. There majority of trees onsite are scrubby cedar trees.

Critical Environmental Features/Endangered Species

There is one rimrock with a spring determined to be a critical environmental feature just about ten feet outside of the southern tip of the property line. The 150-foot setback for this feature extends 120 feet onto the lot, enclosing an area of about 300 feet. This setback is about 220 feet from the LOC of the project. This feature, along with 4 other rimrocks further downslope, were identified and delineated on the Rob Roy West Final Plat on April 23, 1999. These other features are located about 600, 900, 1200 and 1400 feet downstream from the property line of the Grace Lane project. All of the surface run-off at the Grace Lane site flows to a tributary of Barton Creek that follows the eastern property line. The tributary begins at Bee Caves Road and runs about 6000 feet until it reaches Barton Creek.

Water/Wastewater

The project will receive water service from the Travis County Water Control and Improvement District (TCWCID) No. 20. Wastewater will be treated and disposed on site.

Variance Requests

On April 1, 2011, the applicant requested a variance to LDC 25-8-341 and 342 for the construction of a driveway for access to their site. The variances being requested by this project are as follows:

Variance from LDC 25-8-341 to allow cut up to a maximum of 11 feet.

Variance from LDC 25-8-342 to allow fill up to a maximum of 14 feet.

A variance to LDC 25-8-301 for construction on slopes greater than 15% was granted through the final plat C8-96-0015.1A for driveway access to the lot on which this site is to be built.

Recommendations

Staff recommends granting the variance request because the findings of fact have been met. The applicant has proposed extensive revegetation and erosion controls for the fill.

Conditions

Staff recommends granting the variance with the following conditions:

- (1) The applicant will stabilize and restore the areas of fill with: 1.) City of Austin Standard 604s Seeding for Erosion Control and; 2.) provide native Class I or II Hill Country species trees planted 30 feet on center.
- (2) The applicant will provide enhanced erosion and sedimentation controls below the fill area to ensure all eroded sediments remain on site. The areas of fill will be completely encircled by a rockberm on the downhill side followed by silt fence. The slope will be covered with erosion matting until the revegetation is fully established.
- (3) The applicant will limit cut to 11 feet and fill to 14 feet.
- (4) All slopes created from fill material will be less than or equal to a 3:1 slope.

If you have any questions or need additional information, please feel free to contact me at 974-3410.

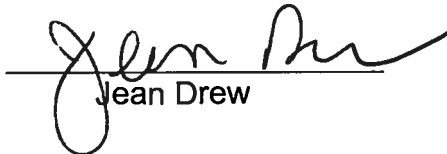


Brad Jackson, Senior Environmental Reviewer
Planning and Development Review

Environmental Program Coordinator:


Ingrid McDonald

Environmental Policy Program Manager:


Jean Drew

Similar Cases

The following projects in the Barton Springs Zone had variance requests from LDC 25-8-341/342 that were approved by the EV Board, and subsequently the Zoning and Platting or Planning Commission.

Grace Lane Office Building (SP-2007-0552D) requested a variance from LDC 25-8-341/342 for cut/fill in excess of four feet. The EV Board recommended approval on August 20, 2007 by a vote of 6-0-0-0, with the following conditions:

Staff conditions:

1. The applicant will stabilize and restore the areas of fill with: 1.) City of Austin Standard 604s Seeding for Erosion Control and; 2.) provide native Class I or II Hill Country species trees planted 30 feet on center.
2. The applicant will provide enhanced erosion and sedimentation controls below the fill area to ensure all eroded sediments remain on site. The areas of fill will be completely encircled by a rockberm on the downhill side followed by silt fence. The slope will be covered with erosion matting until the revegetation is fully established.
3. The applicant will limit cut to 11 feet and fill to 14 feet.
4. All slopes created from fill material will be less than or equal to a 3:1 slope.

Board Conditions:

1. Remove sandy loam topsoil from revegetation specification and replace with a non-sterile topsoil.

Hilltop Park (SP-07-0101C) requested a variance from LDC 25-8-341/342 for cut/fill in excess of four feet. The EV Board recommended approval on August 15, 2007 by a vote of 7-0-0-1, with the following conditions:

Staff conditions:

1. The applicant will plant 100% COA native and/or adaptive plants and trees;
2. A recorded restrictive covenant will preserve the natural area from development;
3. The applicant will provide a rainwater collection system for the commercial structures;
4. The applicant will provide staff with a signed copy of a Letter of Intent (to Austin Energy) that proposes a minimum 1 star rating for the commercial buildings;
5. Cut and fill is limited to a maximum of 11 feet.



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: Grace Lane Office Building
Application Case No: SP-2010-0336D
Code Reference: Land Development Code Section 25-8-341 Cut Requirements
Variance Request: To allow a cut not to exceed eleven (11) ft for driveway construction.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. The variance will not be providing a special privilege to the applicant. The site is situated at the corner of Bee Caves Road and Grace Lane. The building site is separated from Grace Lane by slopes of 15 – 35% in grade, requiring the driveway to the site from Grace Lane to cross steep slopes. Access to the site from Bee Caves Road (RR 2244) is prohibited by TxDOT.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The buildable area of the site is downslope from Grace Lane and access to that area is prohibited without construction of a driveway over a steep incline.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The location of the driveway will be over the less steep areas of the slope separating Grace Lane from the building site. The drive will run parallel to the slope for most of its length and incorporate nearly equal parts cut and fill to reach the building elevation. A maximum driveway grade of 14% is required for emergency vehicle access to the building, so the depth and extent of fill is dictated by this drive grade requirement.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes. The cut will be in solid limestone rock and will not pose an erosion hazard. The cut will be upslope from the water quality catchment basin, which will further reduce the risk of sediment leaving the site.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. The proposed driveway location reduces the amount of impervious cover required for accessing the site than would be required if the drive entered from the adjacent property. It is requested that the applicant utilize extensive erosion control Best Management Practices (rock berms, erosion matting, silt fence) during the construction process to reduce the risk of sediment erosion during the cutting process.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Not applicable.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Not applicable.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Not applicable.

Reviewer Name: Brad Jackson

Reviewer Signature: 

Date: 5/6/11

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name:	Grace Lane Office Building
Application Case No:	SP-2010-0336D
Code Reference:	Land Development Code Section 25-8-342 Fill Requirements
Variance Request:	To allow a fill not to exceed 14 ft for driveway construction.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. The variance will not be providing a special privilege to the applicant. The site is situated at the corner of Bee Caves Road and Grace Lane. The building site is separated from Grace Lane by slopes of 15 – 35% in grade, requiring the driveway to the site from Grace Lane to cross steep slopes. Access to the site from Bee Caves Road (RR 2244) is prohibited by TxDOT.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The buildable area of the site is downslope from Grace Lane and access to that area is prohibited without construction of a driveway over a steep incline.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The location of the driveway will be over the less steep areas of the slope separating Grace Lane from the building site. The drive will run parallel to the slope for most of its length and incorporate nearly equal parts cut and fill to reach the building elevation. A maximum driveway grade of 14% is required for emergency vehicle access to the building, so the depth and extent of fill is dictated by this drive grade requirement.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes. The applicant has proposed a 3:1 slope of compacted limestone base, revegetated with a native grass mixture and native trees planted 30' on center. The applicant has utilized a

retaining wall to reduce the footprint of the fill and erosion control matting will be placed on the slope to reduce the risk of erosion before the slope is adequately revegetated. In addition, the applicant will line the perimeter with a rockberm followed by a silt fence to create a barrier between the fill and the tributary downslope. A majority of the cut and fill will be upslope from the water quality catchment basin, which will further reduce the risk of sediment leaving the site.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. A 3:1 slope, properly compacted and revegetated, will not pose a threat to water quality at the site. The proposed driveway location reduces the amount of impervious cover required for accessing the site than would be required if the drive entered from the adjacent property. It is requested that the applicant utilize extensive erosion control Best Management Practices (rock berms, erosion matting, silt fence) during the construction process to reduce the risk of sediment erosion before the slope is revegetated.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Not applicable.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Not applicable.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Not applicable.

Reviewer Name: Brad Jackson

Reviewer Signature: 

Date: 5/6/11

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



conley engineering, inc.

Civil Engineers • Land Planners • Development Consultants

April 1, 2011

Mr. Greg Guernsey
Planning and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-8818

**RE: Grace Lane Office Building
Cut/Fill Variance
SP-2010-0336D**

Dear Mr. Guernsey,

As the engineer for the above referenced project, we are hereby requesting a variance to Sections 25-8-341 and 25-8-342 regarding cut/fill in excess of 4 feet.

The proposed project consists of a 3 story office building with 3 levels of underground parking. The building is located predominately on the flatter 0-15% slopes on the site.

Access to the property will be from a driveway connecting to Grace Lane. Driveway access to FM 2244 is prohibited by a plat note as required by TxDot. The Proposed access drive is designed to provide fire access with maximum slopes limited to 12-14%. This slope requirement results in a drive that will need cuts and fills in excess of the 4 foot allowable. Therefore, a variance will be requested as part of this application. The proposed plan calls for an earth embankment with 3:1 fill slopes and 1:1 cut slopes (in rock). There are only small trees (less than 8" caliper) consisting mainly of cedars in the areas shown. The proposed 3:1 slopes will allow for a better re-vegetation of the side slope with native grasses and additional trees/landscaping.

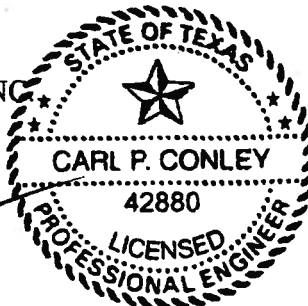
The need to cross slopes in excess of 15% to access the flatter portion of the site was identified as part of the subdivision plat process. Subsequently, a variance was approved to allow driveways to cross these steeper slopes.

Please call me if you need any further information to assist you in the approval of this variance request.

Sincerely,

CONLEY ENGINEERING, INC.

Carl Conley, P.E.



CPC: kk

TBPE Firm Registration #F-000277

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April 1, 2011

Mr. Brad Jackson
Planning and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

**RE: Grace Lane Office Park
SP-2010-0336D
Findings of Fact
(Appendix U-ECM)
Ordinance Standard: 25-8-341 and 25-8-342 (Cut/Fill)**

Dear Brad:

Please find listed below, the findings of fact for the requested cut/fill variance for the above referenced project.

1. *Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?*

Yes, the property is bounded by Grace Lane and FM 2244. Access to FM 2244 was denied by TxDOT as part of the Preliminary Plan and Final Plat approval process. Access to Grace Lane is limited to crossing slopes up to 35%. This condition was also identified as part of the Preliminary Plan process and variances approved for crossing the steeper slopes with driveways to access the adjoining lots. The fill proposed for the driveway is necessary to achieve accessible grades for emergency vehicles. Fill associated with the water quality facilities is necessary to utilize the natural site topography while minimizing the removal of existing trees.

2. *Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?*

Yes, the proposed fill areas are limited to the smallest areas possible in order to provide access to the site and the required water quality facilities. The proposed 3:1 slopes will allow for revegetation of the site to match the natural and traditional character of the site.

Mr. Brad Jackson
PDRD
April 1, 2011
Page 2 of 2

3. *The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.*

Yes, the proposed fill is typical of the topography of western Travis County hill country. Without the proposed variance, the site would be virtually un-accessible.

4. *For a variance from the requirements for development within the Critical Water quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?*

No, development proposed for the Critical Water quality Zone and/or the Water Quality Transition Zone.

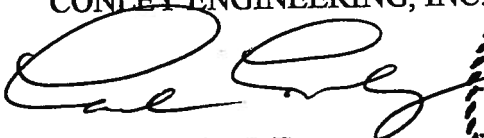
5. *For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?*

Yes, without the variances, access to the site would require additional impervious cover for additional access drive which would disturb more of the natural topography and vegetation on the site. The variances allow for the least amount of impact on the natural topography and vegetation for this site.

Please call me if you have any questions regarding this matter.

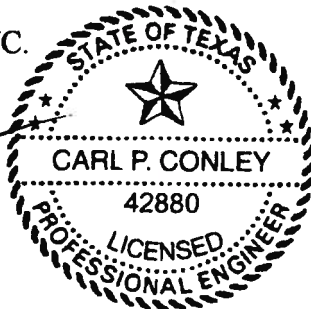
Sincerely,

CONLEY ENGINEERING, INC.



Carl P. Conley P.E.

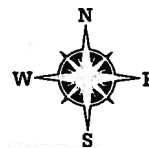
CPC: kk



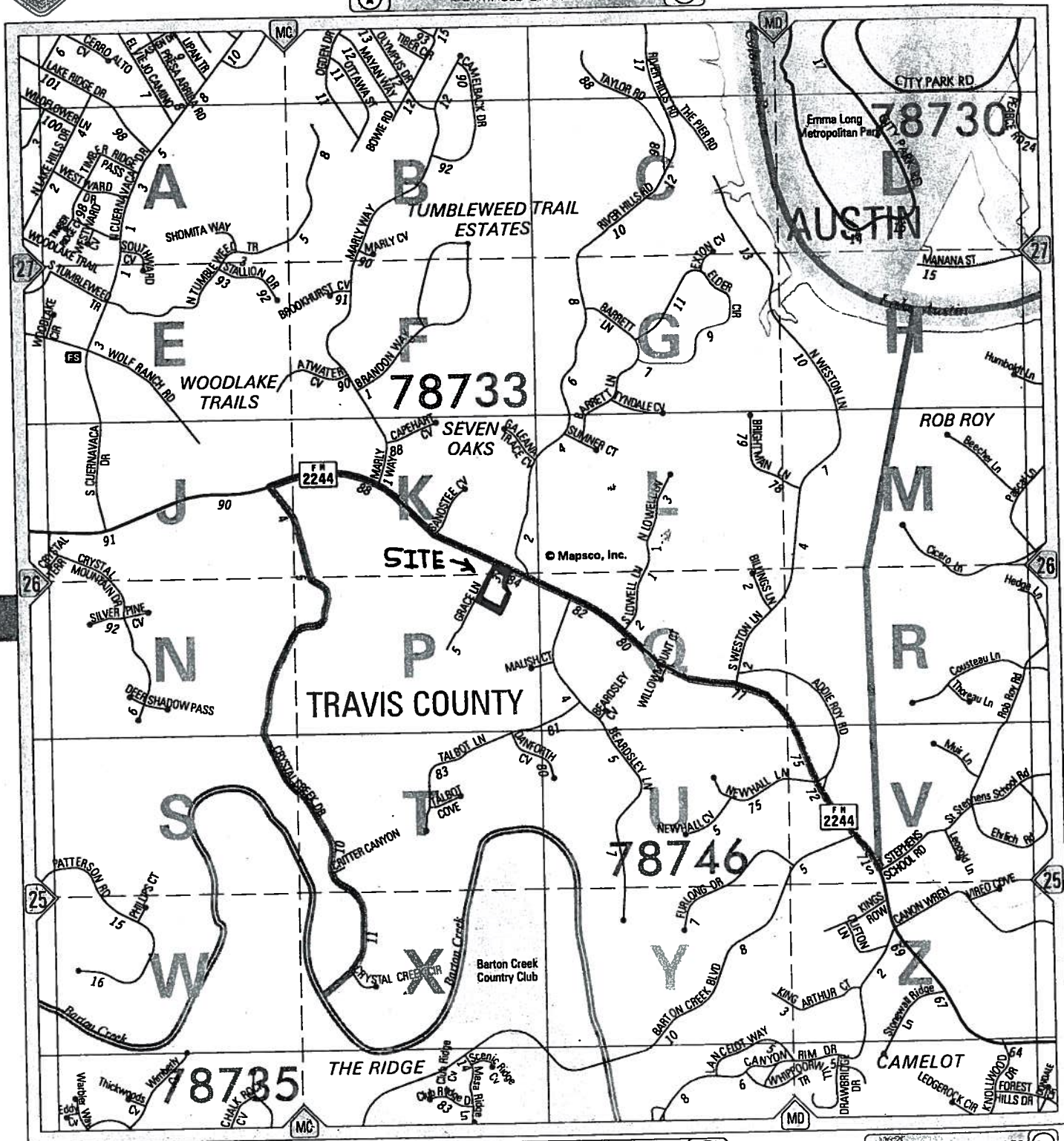
TBPE Firm Registration #F-000277

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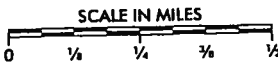
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CONTINUED ON MAP 551

CONTINUED ON MAP 582

CONTINUED ON MAP 553



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BOOK PAGE 1183

Driving Directions to 317 Grace Lane

From One Texas Center, take Barton Springs Road west towards Mopac (Loop One). Barton Springs Road will curve left under Mopac and join the Mopac access road. From the Mopac access road, take Bee Caves Road (2244) west towards Loop 360 (Capital of Texas Highway), pass under Loop 360 and continue west past Barton Creek Blvd. Grace Lane is on the left after you pass Beardsley Lane. 317 Grace Lane is the first lot on the left at the intersection of Grace Lane and Bee Caves Road.

Motion from EV Board hearing on SP-2007-05520



ENVIRONMENTAL BOARD MOTION 082008-4e

Date: August 20, 2008

Subject: Grace Lane Office Building SP-2007-0552D

Motioned By: Phil Moncada

Seconded by: Rodney Ahart

Recommendation

The Environmental Board recommended conditional approval to a variance request to Land Development Code Section 25-8-341 and 342 1) To allow cut /fill over 4 feet.

STAFF CONDITIONS:

The applicant will stabilize and restore the areas of fill with: 1) City of Austin Standard 604s Seeding for Erosion Control and 2) Provide native Class 1 or II Hill Country species trees planted 30 feet on center 2) The applicant will provide enhanced erosion and sedimentation controls below the fill area to ensure all eroded sediments remain on site. The areas of fill will be completely encircled by a rock berm on the downhill side followed by silt fence. The slope will be covered with erosion matting until the revegetation is fully established. 3) The applicant will limit cut to 11 feet and fill to 14 feet. 4) All slopes created from fill material will be less than or equal to a 3:1 slope

BOARD CONDITIONS:

Remove Sandy Loam topsoil and change to non steril topsoil.

RATIONALE; Findings of fact have been met p Texas Department of Transportation will not allow access to 2244.

Vote 6-0-0-0

For: Ahart, Anderson, Beall Maxwell, Moncada and Neely

Against:

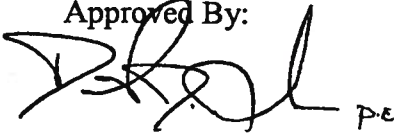
Abstain:

Absent:

Recused:

Vacant 1

Approved By:

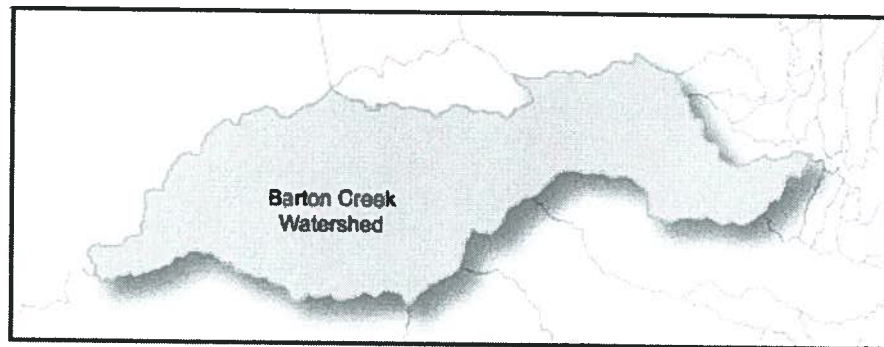
A handwritten signature in black ink, appearing to read 'D Anderson', followed by the letters 'P.E.' in a smaller, handwritten font.

Dave Anderson P.E., CFM
Environmental Board Chair



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PROTECTION****Education**[Flood](#)[Erosion](#)[Master Plan](#)[Water Quality](#)**Austin's Watersheds**[Fast Facts](#)[Photo Gallery](#)[Environmental Creek Assessments](#)**Fast Facts****Population**

2000: 35,792

2030: 52,000

Creek Length

49.46 miles

Drainage Area

108.65 square miles

Drains To

Colorado River at Town Lake

Well Known Sites

Zilker Park, Barton Springs Pool, Barton Hillis Elementary School, Gus Fruh District Park, Village of Bee Cave, Barton Creek Greenbelt

Land Use

Residential	7%
Business	1%
Civic	0%
Parks	10%
Roadways	2%
Undeveloped	79%

Watershed Facts

- The Barton Creek watershed is over three times the size of all other watersheds draining into Town Lake.
- The city's longest greenbelt trail system is located along Barton Creek.
- There are 60 springs and 20 caves in the Barton Creek Watershed.
- Barton Springs is the major discharge point for the Edward's Aquifer and habitat for the Barton Springs salamander, a protected endangered species.
- Barton Creek is often used as a comparison creek for other watersheds because it has the least development (11%) and ecological impairment.
- Eight square miles of the watershed are in the Edwards Aquifer Recharge Zone where water travels through caves and sinkholes to "recharge" the aquifer; another 112 square miles are in the contributing zone, where water travels over land to the creeks of the recharge zone.
- City staff finds limited baseflow at most monitoring sites along Barton Creek
- For More information on Barton Creek, look at the Barton Creek Report

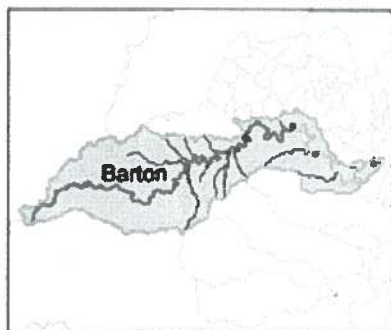
Return to Top

Creek Assessments

Environmental

Index	Score	Category	Notes
Overall Score	87	Very Good	Barton ranks 1 out of 46 watersheds in overall quality
Water Chemistry	76	Very Good	Water quality is above average
Sediment Quality	70	Good	PAHs are high in some downstream areas, herbicides/pesticides are very low, metals are very low
Recreation	96	Excellent	During dry weather conditions, bacteria is not a threat
Aesthetics	97	Excellent	Litter is not a problem, no odor
Habitat	89	Excellent	All components of the habitat index are very good to excellent
Aquatic Life	89	Excellent	Benthic macroinvertebrate community is very good; diatom community is excellent

- Conservation easements and acquisitions preserving undeveloped land will contribute to protection of current water quality.
- Portions of Barton Creek are on the State Water Quality Inventory as being of concern for depressed dissolved oxygen and contaminants in sediment.



Environmental scores are based on a full range of chemical, biological, and physical assessments.

Water Quality	
● Monitoring Sites	■ Marginal
■ Excellent	■ Poor
■ Very Good	■ Bad
■ Good	■ Very Bad
■ Fair	■ No Score

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Photo Gallery



Barton Creek at Lost Creek Blvd.



Barton Creek at Shield Ranch

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